

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOE,

Plaintiff,

Case Number 18-11935
Honorable David M. Lawson

v.

BRENDAN P. CURRAN, MATTHEW NOWICKI,
RON PUZON, RICHARD SNYDER, and
COL. KRISTE ETUE,

Defendants.

ORDER TO SHOW CAUSE

On June 19, 2018, the plaintiff, identified in the caption under a pseudonym, filed a one-count complaint alleging that Michigan's Sex Offender Registration Act (SORA), Michigan Compiled Laws § 28.721 *et seq.* is void for vagueness, impossibility, and wrongful imposition of strict liability under the Fourteenth Amendment's Due Process Clause. The complaint indicates in a footnote that the plaintiff will be filing a motion for permission to proceed anonymously. However, no motion has been filed yet.

"As a general matter, a complaint must state the names of all parties." *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004) (citing Fed. R. Civ. P. 10(a)). As it has been described, "[i]dentifying the parties to the proceeding is an important dimension of publicness. The people have a right to know who is using their courts." *Doe v. Blue Cross & Blue Shield United of Wisconsin*, 112 F.3d 869, 872 (7th Cir. 1997).

Notwithstanding this general rule, the Sixth Circuit has held that a district court "may excuse plaintiffs from identifying themselves in certain circumstances." *Porter*, 370 F.3d at 560. As the court of appeals explained:

Several considerations determine whether a plaintiff's privacy interests substantially outweigh the presumption of open judicial proceedings. They include: (1) whether the plaintiffs seeking anonymity are suing to challenge governmental activity; (2) whether prosecution of the suit will compel the plaintiffs to disclose information "of the utmost intimacy"; (3) whether the litigation compels plaintiffs to disclose an intention to violate the law, thereby risking criminal prosecution; and (4) whether the plaintiffs are children. *Doe v. Stegall*, 653 F.2d 180, 185-86 (5th Cir. 1981). We review the district court's decision to grant a protective order for an abuse of discretion. *Samad v. Jenkins*, 845 F.2d 660, 663 (6th Cir. 1988).

Ibid.

"Ordinarily, a plaintiff wishing to proceed anonymously files a protective order that allows him or her to proceed under a pseudonym." *Citizens for a Strong Ohio v. Marsh*, 123 F. App'x 630, 636 (6th Cir. 2005). "Failure to seek permission to proceed under a pseudonym is fatal to an anonymous plaintiff's case, because, as the Tenth Circuit has held, 'the federal courts lack jurisdiction over the unnamed parties, as a case has not been commenced with respect to them.'" *Id.* at 637 (quoting *Nat'l Commodity & Barter Ass'n, Nat'l Commodity Exch. v. Gibbs*, 886 F.2d 1240, 1245 (10th Cir. 1989)). In this case, the docket does not reflect that the plaintiff has filed a motion seeking permission to proceed under a pseudonym.

Accordingly, it is **ORDERED** that the plaintiff must show cause in writing, **on or before July 11, 2018 at noon**, why the case should not be dismissed for failure to file a motion to proceed anonymously or file an amended complaint in the name of an identifiable plaintiff.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 5, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 5, 2018.

s/Susan Pinkowski
SUSAN PINKOWSKI